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APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
08/998,124	12/24/97	REPP	R DON02-P-684

EXAMINER	
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REFMAN, T

ART UNIT

PAPER NUMBER

7

3634

DATE MAILED: 12/08/98

This is a communication from the examiner in charge of your application.  
COMMISSIONER OF PATENTS AND TRADEMARKS

### OFFICE ACTION SUMMARY

Responsive to communication(s) filed on 10/15/98

This action is FINAL.

Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 D.C. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3/17/99 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

#### Disposition of Claims

Claim(s) 7-24 is/are pending in the application.  
Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

Claim(s) \_\_\_\_\_ is/are allowed.

Claim(s) 7-24 is/are rejected.

Claim(s) \_\_\_\_\_ is/are objected to.

Claim(s) \_\_\_\_\_ are subject to restriction or election requirement.

#### Application Papers

See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

The proposed drawing correction, filed on \_\_\_\_\_ is  approved  disapproved.

The specification is objected to by the Examiner.

The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. § 119

Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

All  Some\*  None of the CERTIFIED copies of the priority documents have been

received.

received in Application No. (Series Code/Serial Number) \_\_\_\_\_

received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e).

#### Attachment(s)

Notice of Reference Cited, PTO-892

Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

Interview Summary, PTO-413

Notice of Draftsperson's Patent Drawing Review, PTO-948

Notice of Informal Patent Application, PTO-152

-SEE OFFICE ACTION ON THE FOLLOWING PAGES-

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Claims 2-24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 2, lines 15-18, the phraseology is not readily understood by the Examiner. In claim 2, line 1, it is not readily apparent to the Examiner if the applicant is claiming a hinged window assembly or a hinged window assembly in combination with a vehicle. In claim 2, lines 27 -28, and in claim 17, lines 1-2, the applicant clearly and positively recites a vehicle. Is the vehicle in claim 1, lines 27-28 and claim 17, lines 1-2, the same vehicle as recited in claim 1, line 1? If the applicant intends to claim the combination then the applicant must clearly and positively recite the vehicle in the preamble.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-24 are further rejected under 35 U.S.C. 103(a) as being unpatentable over Aldrich in view of Kishino. Aldrich discloses a hinged panel assembly comprising a panel having an opaque surface (column 2, lines 52-64) on an inner surface, an adhesive material (column 3, lines 33-35) mounting a block which attaches a metal hinge assembly thereto. Aldrich fails to disclose the window assembly in a back vertical portion of a vehicle and Aldrich fails to recite the panel being 250 square inches, the adhesive being moisture/thermally/chemically activated, the bonding area being between four and fifty square inches, and the bonding thickness being 1, 5, or

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25 microns. Kishino discloses a movable window assembly in a back vertical portion of a vehicle. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the panel assembly of Aldrich to be mounted in a back portion of a vehicle as taught by Kishino since this allows one to see and have ventilation in a back portion of a vehicle. It would have been further obvious to one of ordinary skill in the art at the time of the invention to provide the hinged panel assembly of Aldrich being 250 square inches, the adhesive being moisture/thermally/chemically activated, the bonding area being between four and fifty square inches, and the bonding thickness being 1, 5, or 25 microns since it would have been a matter of design choice to modify Aldrich by adjusting the size of the panel, having activated adhesive, and providing a specific surface area and thickness of the bond since the applicant has not disclosed that these design modifications solves any stated problem or is for any particular purpose and it appears that Aldrich would perform equally well with the design parameters being adjusted.

The applicants arguments have been considered but are not deemed to be persuasive. With respect to the applicant stating that the vehicle is being positively recited in claim 1, lines 27-28 and in claim 17, lines 1-2 merely provides confusion as to the vehicle recited in claim 1, lines 1-2. Applicant's arguments with respect to the rejection under 35 U.S.C. 103 of claims 2-24 have been considered but are moot in view of the new ground(s) of rejection.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication should be directed to Jerry Redman at telephone number (703) 308-2168.



JERRY REDMAN  
PRIMARY EXAMINER  
GROUP 3600